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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,525	11/14/2003	Carl de Marcken	09765-036001	2223
26161	7590	04/04/2007	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			DIXON, THOMAS A	
			ART UNIT	PAPER NUMBER
			3628	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/04/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/714,525	MARCKEN ET AL.	
	Examiner Thomas A. Dixon	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 02 April 2004.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-76 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-76 is/are rejected.

7) Claim(s) 16,17,20,36,37 and 40 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 16-17, 20, 36-37, 40 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The independent claims are to generating itineraries based on constraints, the above claims do not further limit because they claim generating the itineraries without considering constraints which is seen to be a broadening of the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8, 12, 14-15, 17-28, 32, 34-35, 37-46, 51-55, 57-61, 63-73 are rejected under 35 U.S.C. 102(b) as being anticipated by Jones et al (2002/0111935).

As per claims 1, 21.

Jones et al ('935) discloses:

receiving trip segments, see figure 3 (300);

determining constraints on sequences of flights between the endpoints of the trip segments, the constraints derived from properties of fares that can be used with the flights, see (302);

generating itineraries from flights using the constraints, see (310); and pricing the itineraries, see figure 6 (600).

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As per claims 2, 22, 42, 52, 58.

Jones et al ('935) further discloses the constraints are on flights, see figure 5 (Flights).

As per claims 3, 23, 43, 53, 59.

Jones et al ('935) further discloses the constraints are on itineraries, see paragraph (0017).

As per claims 4, 24, 44, 54.

Jones et al ('935) further discloses the fares are fares between endpoints of trip segments, see figure 6 (LAX to MIA, USD 338.00, American Airlines offers non-stop service and connecting service).

As per claims 5, 25, 45, 55.

Jones et al ('935) further discloses fares are fares between points connected by single flights to endpoints of trip segments, see figure 6 (LAX to MIA, USD 338.00, American Airlines offers non-stop service and connecting service).

As per claims 6, 26.

Jones et al ('935) further discloses itineraries for a complete trip, see (0017) and 6 (LAX to MIA, USD 338.00, American Airlines offers non-stop service and connecting service).

As per claims 7, 27.

Jones et al ('935) further discloses providing itineraries for each trip segment, see (0017) and 6 (LAX to MIA, USD 338.00, American Airlines offers non-stop service and connecting service).

As per claims 8, 28, 46, 60.

Jones et al ('935) further discloses the constraints are fare routings, see figure 5 (LAX to MIA) and (0037) and (0043).

As per claims 12, 32, 61.

Jones et al ('935) further discloses the constraints are restrictions on individual flights, see (0037) and (0043).

As per claims 14, 34.

Jones et al ('935) further discloses the constraints are restrictions on origin and destination, see (0037) and (0043).

As per claims 15, 35.

Jones et al ('935) further discloses the constraints based on price, see figure 3 (308).

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As per claims 16, 36.

Jones et al ('935) further discloses pricing of itineraries without considering constraints, see figure 3 (302).

As per claims 17, 37.

Jones et al ('935) further discloses pricing of itineraries without considering constraints, returning priced itineraries, see figure 3 (302), and (318).

As per claims 18, 38.

Jones et al ('935) further discloses restricting pricing of itineraries based on constraints used to produce the itineraries, see figure 3 (306).

As per claims 19, 39.

Jones et al ('935) further discloses restricting pricing of itineraries is based restrictions on the endpoints of fares considered during pricing, see figure 3 (310).

As per claims 20, 40.

Jones et al ('935) further discloses pricing of itineraries without considering constraints and with considering constraints, returning priced itineraries, see figure 3 (302), (306) and (318).

As per claim 41.

Jones et al ('935) discloses:

a processor, see figure 1 (12) and (0035);

a memory for executing a computer program product, see (16);

receive trip segments, see figure 3 (300);

determine constraints on sequences of flights between the endpoints of the trip segments, the constraints derived from properties of fares that can be used with the flights, see (302);

generate itineraries from flights using the constraints, see (310); and price the itineraries, see figure 6 (600).

As per claim 51.

Jones et al ('935) discloses:

a computer program product, see (0035);

receive trip segments, see figure 3 (300);

determine geographic and airline constraints derived from fare rules to control the manner in which flights are combined prior to evaluation of fare rules, see (302); generate itineraries from flights using the constraints, see (318).

As per claim 57.

Jones et al ('935) discloses:

receiving trip segments, see figure 3 (300);

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determining geographic and airline constraints derived from fare rules to control the manner in which flights are combined prior to evaluation of fare rules, see (302); generating itineraries from flights using the constraints, see (318).

As per claim 63.

Jones et al ('935) discloses:

a computer program product, see (0035);  
receive trip segments, see figure 3 (300);

determine constraints on sequences of flights between the endpoints of the trip segments, the constraints derived from properties of fares that can be used with the flights, see (302, 323,);

generate itineraries constrained by multiple constraints that are derived from a diverse set of fares, see (310); and

return at least some of the generated itineraries to the user, see (318).

As per claims 64, 69.

Jones et al ('935) further discloses multiple airlines, see figure 3 (303).

As per claims 65, 70.

Jones et al ('935) further discloses multiple origins, see figure 6 (connecting service) and multi-airport cities (0039).

As per claims 66, 71.

Jones et al ('935) further discloses multiple destinations, see figure 6 (connecting service) and multi-airport cities (0039).

As per claims 67, 72.

Jones et al ('935) further discloses multiple origin-destination pairs, see figure 6 (connecting service) and multi-airport cities (0039).

As per claim 68.

Jones et al ('935) discloses:

receiving trip segments, see figure 3 (300);

determining constraints on sequences of flights between the endpoints of the trip segments, the constraints derived from properties of fares that can be used with the flights, see (302, 323,);

generating itineraries constrained by multiple constraints that are derived from a diverse set of fares, see (310); and

returning at least some of the generated itineraries to the user, see (318).

As per claim 73.

Jones et al ('935) further discloses fares are filtered based on properties of the fare rules, see figure 3 (308).

As per claim 74.

Jones et al ('935) further discloses fares fail if aspects of the fare's rules are violated, see figure 3 (308).

As per claim 75.

Jones et al ('935) further discloses aspects of the fare's rules are effective and discontinue dates, see (0048).

As per claim 76.

Jones et al ('935) further discloses aspects of the fare's rules limit at least one of travel dates and travel times, see (0048).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 9, 13, 29, 33, 47, 50, 56, 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al (2002/0111935) in view of Tanner (WO 01/59590).

As per claim 9, 29, 47.

Jones et al ('935) discloses carrier schedule data as raw schedule data and choosing among carriers, see (0039) and figure 3 (303), but does not disclose the constraints are fare carrier

Tanner ('590) teaches the constraints are fare carrier, see figure 1 (Airline: All) for the benefit of giving the customer the choice to limit the search to a preferred airline.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow one constraint to be fare carrier for the benefit of giving the customer the choice to limit the search to a preferred airline.

As per claim 13, 33, 50, 56, 62.

Jones et al ('935) discloses origin and destination, see figure 5 (504 and 506), and carrier schedule data as raw schedule data, see (0039) and choosing among carriers, see (0039) and figure 3 (303), but does not disclose the constraints on airline, and origin and destination triples.

Tanner ('590) teaches the constraints are fare carrier, see figure 1 (Airline: All) for the benefit of giving the customer the choice to limit the search to a preferred airline.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow one constraint to be fare carrier for the benefit of giving the customer the choice to limit the search to a preferred airline.

4. Claims 10, 30, 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al (2002/0111935) in view of official notice.

As per claim 10, 30, 48.

Jones et al ('935) does not disclose the constraints based on global fare indicator.

Official Notice is taken that it is old and well known in the travel arts to add a new airline product to increase offerings to customers.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to price according to maximum permitted mileage to adapt to the changing offerings in the marketplace.

5. Claims 11, 31, 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al (2002/0111935) in view of the Travel Gazette.

As per claim 10, 30, 49.

Jones et al ('935) does not disclose the constraints based on fare maximum permitted mileage.

The Travel Gazette teaches pricing according to maximum permitted mileage as a new airline product to increase offerings to customers.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to price according to maximum permitted mileage to adapt to the changing offerings in the marketplace.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (571) 272-6803. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Thomas A. Dixon  
Primary Examiner  
Art Unit 3628

March 07